IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 923 of 2005 (S/S)

Devi Charan Verma
S/o Late Sri Shambhu Prasad Verma
Permanent R/o 134 Civil Lines
Bannao, State of U.P.
At present Assistant Teacher, L.T. Grade
Government Inter College
Kotdwar
District Pauri Garhwal … Petitioner

Versus

1. State of Uttaranchal through
Secretary, Secondary Education
Dehradun
2. Director of Secondary Education
State of Uttaranchal
At Dehradun
3. Regional Joint Director of Education
Pauri Garhwal
4. District Education Officer
Pauri Garhwal
5. Principal
Government Inter College
Kotdwar
District Pauri Garhwal … Respondents

Sri Vijay Bhatt, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005(annexure No. 9 to the petition) passed by the respondent No. 4 i.e. Principal, Government Inter College, Kotdwar, District Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (L.T. Grade) for the subjects Hindi on 22.04.1980 at Government Inter College, Dev Prayag, District Pauri Garhwal.

Now, the petitioner is presently working as Assistant teacher L.T. Grade for the subject Hindi in the Government Inter College, Kotdwar, District Pauri Garhwal.

The petitioner is transferred from Government Inter College, Kotdwar to Government Higher Secondary School, Gwalkhera (remote area).

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioenr as well as learned standing counsel for the State and perused the record.

The main contention of the learned counsel for the petitioner is that he was transferred in the year 2001 and again he has been transferred vide impugned order dated 30.06.2005 on the ground that he is posted at his present place of posting for more than prescribed period.

Learned counsel for the petitioner has further invited my attention towards the Government Order NO. 718/XXIV(2)/2005 dated 13.05.2005 (Annexure 10 to the petition) and he impressed upon that the period mentioned in that Government Order is for 10 years while the petitioenr has been transferred from the place of posting within a period of five years.

Learned counsel for the petitioenr ahs also submitted before the Court that the impugned transfer order has not been passed in the light of the transfer policy for the year 2005-06.

At this stage, I do not find any force in the argument advanced by the learned counsel for the petitioner.

In view of the submission advanced by the learned counsel for the petitioner as well as the documents filed by him along with this writ petition, I am of the opinion that the writ petition would be finally disposed of with the direction that the respondent No. 2 i.e. Additional Director Education should decide the representation of the petitioenr in the light of the Government Order which has been mentioned in the body of the judgment.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 3 within a period of 15 days along with certified copy of the judgment and the respondent No. 3 shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

12.07.2005
ASWAL